



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,710	04/02/2004	Yoshinari Higuchi	450100-05014	1185
7590 10/29/2008				
William S. Frommer, Esq. FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue New York, NY 10151				
EXAMINER				
CROWDHURY, NIGAR				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
10/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,710

Applicant(s)

HIGUCHI ET AL.

Examiner

NIGAR CHOWDHURY

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 06/12/2008 have been fully considered but they are not persuasive.
2. In re page 9-10, applicant argues that Inoue fails to disclose control means for recognizing a controlled state of an external recording device when a communication is enabled with the recording device such that when the application is executed as a function of a command issued by the imaging device, only a command for a termination of the application is allowed and all commands are disabled, recited in claim 1.

In response, the examiner respectfully disagrees. Inoue discloses in fig. 2, 3, 5, col. 3 lines 46-col. 7 lines 4, col. 9 lines 60-col. 12 lines 10 that "..... system control unit.... Includes a microprocessor Turner unit.. descrambler demultiplexer..... decoder.... IEEE SP 1394 interface in accordance with the user's operations on the operation unit which has various operation switches for channel selection, turning on the power supply.... system control unit includes a memory... which stores the memory capacity and the remaining memory capacity of each of the recording apparatus.... the system control unit reads information relating to the recording capacity and the recorded capacity of a recording medium mounted in each of the recording apparatus from an identified recording apparatus via the IEEE..... during a recording operation and when a reservation is made to record.....stores the read information in the memory within the system control unit..... the system control unit compares the remaining memory capacity of a selected recording apparatus with the

memory capacity required for recording the program, in accordance with selection of the recording apparatus on the picture frame displaying the remaining memory capacity by the user's operation on the operation unit.....If the remaining memory capacity is sufficient, the UI-picture-frame configuration unit.... The display control unit... are controlled so as to end display of the picture frame indicating the remaining memory capacity and to start recording in the selected recording apparatus for a predetermined time period.....", "..... a recording apparatus in which a recording medium is detachably mountable, information relating to the recorded contents of the recording medium mounted in the recording apparatus is read via the IEEE.... Interface.... And the recording medium is specified by comparing the read information with information relating to the recorded contents recorded.... ". Inoue discloses control state (controller controls the recording mediums through the memory which stores the memory capacity and the remaining memory capacity of each of the recording medium for recording) of an external recording device (recorder A, recorder B, recorder C) when a communication (fig. 2 (212, 213)) is enabled. Inoue discloses a remote control for controlling power supply, menu buttons for displaying a menu picture, recording button for recording a program, reproducing button for reproducing a program, EPG button for displaying an EPG picture frame, etc. Remote control allows the recording device to execute an application needed for recording and any type of command issue from the remote control, only that command is allow and other command is disabled. For example, if recording button is depressed, only recording button will be working and

other button will be disabled; if power supply button is depressed for turning off, only that button will allow to work, other button will be disabled.

3. Dependent claims are rejected for the same reason as discussed in the corresponding paragraph 2 above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US 7,123,813 by Inoue.

5. Regarding **claim 1**, an imaging device configured to output imaging data that is obtained by imaging of an object, the imaging device comprising:

- communication means for communicating data (fig. 2 (212, 213), fig. 3)
- control means for recognizing a controlled state of an external recording device when a communication is enabled with the recording device through the communication means conforming to a predetermined

transmission method (fig. 2, 5, col. 3 lines 46-col. 5 lines 60, col. 9 lines 60-col. 12 lines 10);

- and input means for allowing the recording device to execute an application needed for a recording operation obtained by controlling the recording device (col. 5 lines 42-60), wherein
- wherein, when the application is executed as a function of a command issued by the imaging device, only a command for a termination of the application is allowed and every other command is disabled (fig. 2, 3, 5, col. 3 lines 46-col. 7 lines 4, col. 9 lines 60-col. 12 lines 10, a remote control for controlling power supply, menu buttons for displaying a menu picture, recording button for recording a program, reproducing button for reproducing a program, EPG button for displaying an EPG picture frame, etc. Remote control allows the recording device to execute an application needed for recording and any type of command issue from the remote control, only that command is allow and other command is disabled. For example, if recording button is depressed, only recording button will be working and other button will be disabled; if power supply button is depressed for turning off, only that button will allow to work, other button will be disabled), and
- the recording device records the imaging data that has been obtained through the communication means based on the application executed by means of the input means (fig. 2, col. 3 lines 46-col. 5 lines 60).

6. Regarding **claim 2**, the imaging device further comprising display means for displaying the progress of an application needed for a recording operation obtained by controlling the recording device (col. 5 lines 38-60, fig. 4, col. 7 lines 46-col. 9 lines 59).

7. Regarding **claim 3**, the imaging device wherein, when communications are enabled with a plurality of the recording devices through the communication means connected respectively to the recording devices, the control means selects the specific recording device as a communication target on the basis of unique node IDs assigned respectively to the communication means, and refuses to communicate with the other recording devices than the selected recording device (fig. 2, 5, col. 3 lines 46-col. 5 lines 60, col. 9 lines 60-col. 12 lines 10).

8. **Claim 4** is rejected for the same reason as discussed in the corresponding claim 1 above.

9. **Claim 5** is rejected for the same reason as discussed in the corresponding claim 2 above.

10. **Claim 6** is rejected for the same reason as discussed in the corresponding claim 3 above.

11. **Claim 7** is rejected for the same reason as discussed in the corresponding claim 3 above.

12. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 1 above.

13. Regarding **claim 9**, the imaging device wherein the communication means is connected outside of the imaging device (fig. 2 (212)).
14. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 9 above.
15. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 9 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
10/24/2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621